

(E) 2010: \$0.0250  
 (F) 2011: \$0.0258  
 (G) 2012: \$0.0265  
 (H) 2013: \$0.0273  
 (I) 2014: \$0.0281  
 (J) 2015: \$0.0290

(v) 2020: \$0.0336;

\* \* \* \* \*

#### § 383.4 Terms for making payment of royalty fees.

(a) *Terms in general.* Subject to the provisions of this section, terms governing timing and due dates of royalty payments to the Collective, late fees, statements of account, audit and verification of royalty payments and distributions, cost of audit and verification, record retention requirements, treatment of Licensees' confidential information, distribution of royalties by the Collective, unclaimed funds, designation of the Collective, and any definitions for applicable terms not defined herein and not otherwise inapplicable shall be those adopted by the Copyright Royalty Judges for subscription transmissions and the reproduction of ephemeral recordings by preexisting satellite digital audio radio services in 37 CFR part 382, subpart B of this chapter, for the license period 2007–2012. For purposes of this section, the term “Collective” refers to the collection and distribution organization that is designated by the Copyright Royalty Judges. For the License Period through 2015, the sole Collective is SoundExchange, Inc.

(b) *Reporting of performances.* Without prejudice to any applicable notice and recordkeeping provisions, statements of account shall not require reports of performances.

(c) *Applicable regulations.* To the extent not inconsistent with this part, all applicable regulations, including part 370 of this chapter, shall apply to activities subject to this part.

[75 FR 14075, Mar. 24, 2010]

EFFECTIVE DATE NOTE: At 80 FR 36928, June 29, 2015, § 383.4(a) was amended by removing “2007–2013” and adding in its place “2013–2017” and by removing “2015” and adding in its place “2020”, effective Jan. 1, 2016.

### PART 384—RATES AND TERMS FOR THE MAKING OF EPHEMERAL RECORDINGS BY BUSINESS ESTABLISHMENT SERVICES

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 384.1 General.

(b) *Minimum fee.* Each Licensee will pay an annual, non-refundable minimum fee of one hundred thousand dollars (\$100,000), payable on January 31 of each calendar year in which the Service is provided pursuant to the section 112(e) and 114 statutory licenses, but payable pursuant to the applicable regulations for all years 2007 and earlier. Such fee shall be recoupable and credited against royalties due in the calendar year in which it is paid.

(c) *Ephemeral recordings.* The royalty payable under 17 U.S.C. 112(e) for the making of phonorecords used by the Licensee solely to facilitate transmissions during the License Period for which it pays royalties as and when provided in this part shall be included within, and constitute 5% of, such royalty payments.

[72 FR 72254, Dec. 20, 2007, as amended at 75 FR 14075, Mar. 24, 2010]

EFFECTIVE DATE NOTE: At 80 FR 36928, June 29, 2015, § 383.3 was amended in paragraph (a) introductory text, by removing “License” and adding in its place “statutory licenses”; b. By revising paragraphs (a)(1) and (2); and

c. In paragraph (b), by removing “, but payable pursuant to the applicable regulations for all years 2007 and earlier”, effective Jan. 1, 2016. For the convenience of the user, the added and revised text is set forth as follows:

#### § 383.3 Royalty fees for public performances of sound recordings and the making of ephemeral recordings.

(a) \* \* \*

(1) For Stand-Alone Contracts, the following monthly payment per Subscriber to the Service of such Licensee:

(i) 2016: \$0.0179;  
 (ii) 2017: \$0.0185;  
 (iii) 2018: \$0.0190;  
 (iv) 2019: \$0.0196;  
 (v) 2020: \$0.0202;

(2) For Bundled Contracts, the following monthly payment per Subscriber to the Service of such Licensee:

(i) 2016: \$0.0299;  
 (ii) 2017: \$0.0308;  
 (iii) 2018: \$0.0317;  
 (iv) 2019: \$0.0326;